

ORIGINAL

VS.

Docket T04-0017

Respondents.

RECEIVED
MAY 7 2004

Illinois Commerce Commission
RAIL SAFETY SECTION

NOW COMES Petitioner, State of Illinois, Department of Transportation ("Department"), by and through its attorney Lisa Madigan, Attorney General for the State of Illinois, and as its Response To Petition filed by the Norfolk Southern Railway Company on February 25, 2004, the Department states it has no objection to the requested relief therein with regard to the following two crossings impacting public roadways under the jurisdiction of the Department of Transportation (1) Crossing 7: Indiana Street, DOT#543 304 R and (2) Crossing 15: US 136, DOT#543 326 R; provided that the direct testimony of William P. Hernan previously filed by the Norfolk Southern Railway Company with the Illinois Commerce Commission on March 18, 2004 is proffered and admitted as an exhibit in the same form and content as presented on March 18, 2004.

WHEREFORE, State of Illinois, Department of Transportation has no objection to the pending Petition with regard to the two crossings described hereinabove and does not request any further testimony or evidence from the Petitioner, provided any resulting order incorporates and/or the record reflects the direct testimony of William P. Hernan as of March 18, 2004 with regard to the two locations described hereinabove.

Respectfully submitted,
ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Lisa Madigan
Attorney General

By: Stacey C. Hollo *LB*
Special Assistant Attorney General

Dated:

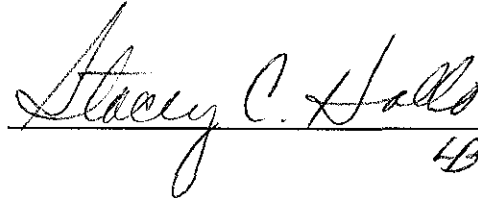
Illinois Department of Transportation
2300 South Dirksen Parkway, Rm. 300
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Telephone (217)782-0692

DOCKETED

MAY 7 2004

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addressees listed below by mailing a true and correct copy via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 5th day of May, 2004:


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